

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MARK A. MORRIS,	:	
Plaintiff,	:	Case No. 3:04cv00306
vs.	:	District Judge Walter Herbert Rice
	:	Magistrate Judge Sharon L. Ovington
DOUG DAVIS, et al.,	:	
Defendants.	:	

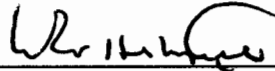
DECISION AND ENTRY ADOPTING IN FULL REPORT AND RECOMMENDATIONS FILED ON APRIL 25, 2005 (Doc. #41); GRANTING DEFENDANT ABF FREIGHT'S MOTION FOR SUMMARY JUDGMENT (Doc. #36); GRANTING DEFENDANT TEAMSTERS LOCAL UNION NO. 957'S MOTION FOR SUMMARY JUDGMENT (Doc. #37); DENYING AS MOOT DEFENDANT ABF FREIGHT'S MOTION TO DISMISS (Doc. #27); DISMISSING PLAINTIFF'S COMPLAINT ON THE MERITS AND UNDER FED. R. CIV. P. 41(b); AND TERMINATING THE CASE ON THE DOCKET OF THIS COURT

The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #41), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** in full said Report and Recommendations. It is therefore **ORDERED** that:

1. The Report and Recommendations filed on April 25, 2005 (Doc. #41) is **ADOPTED** in full;
2. Defendant ABF Freight's Motion for Summary Judgment (Doc. #36) is **GRANTED**;
3. Defendant Teamsters Local Union No. 957's Motion for Summary Judgment (Doc. #37) is **GRANTED**;
4. Plaintiff's Complaint is **DISMISSED** on the merits and is also **DISMISSED** under

Fed. R. Civ. P. 41(b) due to Plaintiff's failure to prosecute;

5. Defendant ABF Freight's Motion to Dismiss (Doc. #27) is DENIED as moot; and
6. The case is terminated on the docket of this Court.



Walter Herbert Rice
United States District Judge